

**REMARKS**

Claims 1-16 were pending. By this Amendment, claims 1, 3, 8, 11, and 16 are amended, and claims 17-18 are added. Therefore, claims 1-18 are now pending.

***Allowable Subject Matter***

Applicant notes with thanks the Examiner's determination that claims 9-16 are allowable.

***Claim rejections - 35 U.S.C. § 101***

Claims 1-8 were rejected under 35 U.S.C. § 101 as claiming the same invention as that of claims 1-8 in U.S. Patent No. 6,675,821.

In response, Applicant respectfully requests reconsideration and withdrawal of the rejection because the two sets of claims do not recite the same subject matter. For example, pending claim 1 as amended states that the control liquid is introduced at a merging area (31) while the issued claim 1 instead recites that the control liquid is introduced at a merging point (30). For this reason, at least, the two sets of claims are not coextensive in scope, so a statutory double patenting rejection is not appropriate.

***Other claim amendments***

Claims 8 and 16 are amended to correct inadvertent typographical errors. Claims 3 and 11 are amended to eliminate the references to "e.g. in the ratio of 1:5." The ratio feature is re-presented in new claims 17 and 18.

The Examiner is invited to contact Applicant's Agent Scott Kamholz to discuss any issues that remain in the case. Mr. Kamholz can be reached directly at telephone number (617) 832-1176, or at the number listed below.

Respectfully submitted,

FOLEY HOAG LLP

By:   
Scott E. Kamholz  
Reg. No. 48,543  
Applicant's Agent

Date: August 31, 2004

Customer No.: 25181

Patent Group  
Foley Hoag LLP  
155 Seaport Boulevard  
Boston, MA 02210-2600  
Voice: (617) 832-1230  
Facsimile: (617) 832-7000

Ser. No. 10/706,744

-8-